

**REMARKS**

Claims 1-35 are pending in this application. Independent claims 1, 13, and 21 have been amended to advance prosecution and to address the new grounds of rejection set forth in the Examiner's Answer. Support for the claim amendments can be found in the specification and drawings as originally filed. No new matter has been added. Favorable reconsideration and allowance of the pending claims are requested.

**Request for Examiner Interview**

Applicants hereby request an interview with the Examiner prior to the next substantive action on the merits.

**Claim Rejections – 35 U.S.C. § 101**

Applicants respectfully traverse and request reconsideration and withdrawal of the § 101 rejection of claims 13-35 in view of the foregoing amendments to the claims.

**Claim Rejections – 35 U.S.C. § 103(a)**

**Claims 1-4, 6, 7, 9, 10, 12, and 13**

Claims 1-4, 6, 7, 9, 10, 12, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,920,429 to Barni et al. ("Barni") in view of US 2002/0133445 to Lessin ("Lessin"). Applicants respectfully traverse this rejection.

As a basis for rejection, portions of Lessin are relied upon that describe a way for contributors to set parameters for donating money. For example, Lessin states in relevant part:

Moreover, the present invention provides for contributors setting the parameters for which they will donate the money. Such parameters may include...

if the funding request is for a business, that the Applicant insure that a percentage of the business profits pay for a specific item (e.g., a percentage of the profits be donated to charity, and the like).

According to Lessin, an Applicant can market an idea, and Contributors can donate money to the Applicant for pursuit of the ideas. More particularly, Lessin teaches that Contributors can select the conditions under which they will donate money, one such condition being that the Applicant will donate a percentage of the profits generated from the pursuit of their idea to a charity.

Although Lessin mentions that if a funding request is for a business, the Contributor may set a parameter that the Applicant insure that a percentage of the business profits be donated to charity, Lessin provides no details of how the Applicant complies with such parameter and would make such a donation. Namely, Lessin does not disclose a seller interface and does not disclose providing options to an Applicant for making donations. Lessin also does not disclose transferring funds to a third party on behalf of the Applicant.

Furthermore, Lessin clearly fails to teach or suggest options for donating a portion of proceeds of a particular sale. While Lessin teaches mandating that a percentage of business profits be donated to charity, Applicants submit that modification of Lessin to allow a Contributor to require an Applicant to donate a percentage of an individual sale clearly would be contrary to the explicit teachings and principle of operation of Lessin.

Although Applicants disagree with the current grounds of rejection, independent claims 1 and 13 have been further amended in order to advance prosecution. Applicants submit that the features recited by the independent claims 1 and 13 clearly distinguish over the teachings of Lessin. Applicants further submit that Barni also does not describe the features recited by independent claims 1 or 13 and that there is no explicit or implicit teaching, suggestion, or motivation to modify Barni and/or Lessin to include all of the recited features of independent claims 1 or 13.

Therefore, even if the cited references could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claims 1 or 13. Consequently, the cited references are insufficient to render independent claims 1 or 13 obvious under § 103(a) regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that independent claims 1 and 13 are allowable and that claims 2-4, 6, 7, 9, 10, and 12 are also allowable by virtue of their dependency from allowable claims, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 1-4, 6, 7, 9, 10, 12, and 13.

**Claim 5**

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Barni in view of Lessin and further in view of US 5,987,429 to Martizen et al. (“Maritzen”). Applicants respectfully traverse this rejection.

As described above Barni and Lessin fail to teach or suggest all of the features recited by independent claim 1. Applicants further submit that Maritzen also does not describe such features and fails to remedy the deficiencies of Barni and Lessin with respect to independent claim 1. Further there is no explicit or implicit teaching, suggestion, or motivation to modify Barni, Lessin, and/or Maritzen to include all of the recited features of independent claim 1.

Therefore, even if the cited references could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claim 1. Consequently, the cited references are insufficient to render independent claim 1 obvious under § 103(a) regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that independent claim 1 is allowable and that claim 5 is also allowable by virtue of its dependency from an allowable claim, as well as on its own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claim 5.

**Claim 8**

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Barni and Lessin and further in view of Salls. Applicants respectfully traverse this rejection.

As described above Barni and Lessin fail to teach or suggest all of the features recited by independent claim 1. Applicants further submit that Salls also does not describe such features and fails to remedy the deficiencies of Barni and Lessin with respect to independent claim 1. Further there is no explicit or implicit teaching, suggestion, or motivation to modify Barni, Lessin, and/or Salls to include all of the recited features of independent claim 1.

Therefore, even if the cited references could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claim 1. Consequently, the cited references are insufficient to render independent claim 1 obvious under § 103(a) regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that independent claim 1 is allowable and that claim 8 is also allowable by virtue of its dependency from an allowable claim, as well as on its own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claim 8.

**Claims 11, 14-17, and 20**

Claims 11, 14-17, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barni and Lessin and further in view of US 6,496,809 to Nakfoor (“Nakfoor”). Applicants respectfully traverse this rejection.

As described above Barni and Lessin fail to teach or suggest all of the features recited by independent claims 1 or 13. Applicants further submit that Nakfoor also does not describe such features and fails to remedy the deficiencies of Barni and Lessin with respect to independent claims 1 or 13. Further there is no explicit or implicit teaching, suggestion, or motivation to modify Barni, Lessin, and/or Nakfoor to include all of the recited features of independent claims 1 or 13.

Therefore, even if the cited references could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claims 1 or 13. Consequently, the cited references are insufficient to render independent claims 1 or 13 obvious under § 103(a) regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that independent claims 1 and 13 are allowable and that claims 11, 14-17, and 20 are also allowable by virtue of their dependency from allowable claims, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 11, 14-17, and 20.

#### **Claims 18 and 19**

Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakfoor and further in view of Maritzen. Applicants respectfully traverse this rejection.

As described above Barni, Lessin, and Nakfoor fail to teach or suggest all of the features recited by independent claim 13. Applicants further submit that Maritzen also does not describe such features and fails to remedy the deficiencies of Barni, Lessin, and Nakfoor with respect to independent claim 13. Further there is no explicit or implicit teaching, suggestion, or motivation to modify Barni, Lessin, Nakfoor, and/or Maritzen to include all of the recited features of independent claim 13.

Therefore, even if the cited references could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claim 13. Consequently, the cited references are insufficient to render independent claim 13 obvious under § 103(a) regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that independent claim 13 is allowable and that claims 18 and 19 are also allowable by virtue of their dependency from an allowable claim, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 18 and 19.

**Claims 21, 22, and 29-32**

Claims 21, 22, and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salls in view of Lessin. Applicants respectfully traverse this rejection.

Applicants submit that the features recited by the independent claim 21 clearly distinguish over the teachings of Lessin. Applicants further submit that Salls also does not describe the features recited by independent claim 21 and that there is no explicit or implicit teaching, suggestion, or motivation to modify Salls and/or Lessin to include all of the recited features of independent claim 21.

Therefore, even if the cited references could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claim 21. Consequently, the cited references are insufficient to render independent claim 21 obvious under § 103(a) regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that independent claim 21 is allowable and that claims 22 and 29-32 are also allowable by virtue of their dependency from an allowable claim, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 21, 22, and 29-32.

**Claims 23-28**

Claims 23-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salls and Lessin and further in view of Nakfoor. Applicants respectfully traverse this rejection.

As described above Salls and Lessin fail to teach or suggest all of the features recited by independent claim 21. Applicants further submit that Nakfoor also does not describe such features and fails to remedy the deficiencies of Salls and Lessin with respect to independent claim 21. Further there is no explicit or implicit teaching, suggestion, or motivation to modify Salls, Lessin, and/or Nakfoor to include all of the recited features of independent claim 21.

Therefore, even if the cited references could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claim 21. Consequently, the cited references are insufficient to render independent claim 21 obvious under § 103(a) regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that independent claim 21 is allowable and that claims 23-28 are also allowable by virtue of their dependency from an allowable claim, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 23-28.

**Claims 33-35**

Claims 33-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salls and Lessin and further in view of US 2002/0133445 to Petras, et al. ("Petras"). Applicants respectfully traverse this rejection.

As described above Salls and Lessin fail to teach or suggest all of the features recited by independent claim 21. Applicants further submit that Petras also does not describe such features and fails to remedy the deficiencies of Salls and Lessin with respect to independent claim 21. Further there is no explicit or implicit teaching, suggestion, or motivation to modify Salls, Lessin, and/or Petras to include all of the recited features of independent claim 21.

Therefore, even if the cited references could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claim 21. Consequently, the cited references are insufficient to render independent claim 21 obvious under § 103(a) regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that independent claim 21 is allowable and that claims 33-35 are also allowable by virtue of their dependency from an allowable claim, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 33-35.

**Conclusion**

It is believed that claims 1-35 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17.

Respectfully submitted,

/Robert V. Racunas/  
Robert V. Racunas, Reg. No. 43,027  
Under 37 CFR 1.34(a)

Dated: February 23, 2009  
RACUNAS LAW LLC  
C/O Intelleivate  
P.O. Box 52050  
Minneapolis, MN 55402